

United States District Court
Eastern District of California

James D. Maciel,

Plaintiff,

vs.

Tom Prebula, et al.,

Defendant.

No. Civ. S 02-2675 MCE PAN P

Findings and Recommendations

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April 27, 2005, the court ordered plaintiff to show cause why the court should not dismiss plaintiff's claims against defendants Manuel, Riddle, Andreasen, Allen, Sullivan, Zaro and Stratton for failure to state a claim. May 19, 2005, the court extended the deadline for plaintiff to respond but he still has not.

Accordingly, good cause appearing, the court hereby recommends claims against defendants Manuel, Riddle, Andreasen, Allen, Sullivan, Zaro and Stratton be dismissed for failure to

1 state a claim, for the same reasons set forth by the court in
2 dismissing plaintiff's claims against defendants Prebula,
3 Pulsipher, Miller, May, Gavia and Cry. See January 7, 2005,
4 findings and recommendations and March 15, 2005, order adopting
5 same.

6 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these
7 findings and recommendations are submitted to the United States
8 District Judge assigned to this case. Written objections may be
9 filed within 20 days of service of these findings and
10 recommendations. The document should be captioned "Objections to
11 Magistrate Judge's Findings and Recommendations." The district
12 judge may accept, reject, or modify these findings and
13 recommendations in whole or in part.

14 Dated: August 25, 2005.

15 /s/ Peter A. Nowinski
16 PETER A. NOWINSKI
17 Magistrate Judge
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